

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re</b>	:	<b>Chapter 7</b>
<b>RAFAIL THEOKARY</b>	:	
<b>Debtor(s)</b>	:	<b>Bky. No. 07-11008ELF</b>
:		
<b>RAFAIL THEOKARY</b>	:	
<b>Plaintiff(s)</b>	:	
:		
<b>v.</b>	:	
:		
<b>TOM SHAY, ERIC ABBATIELLO, D/B/A ABBATIELLO RACING STABLES, SHOWPLACE FARMS, GAITWAY FARM, INC. AND ANY JOHN DOES (1-10) ENTITIES OR LEGAL ENTITIES THAT BECOME KNOW AFTER FILING</b>	:	
<b>Defendant(s)</b>	:	<b>Adv. No. 09-00051ELF</b>
:		

**O R D E R**

**AND NOW**, Plaintiff Rafail Theokary having filed a Motion for Judgment on the Pleadings (“the Motion”) (Docket Entry No. 32) on March 30, 2009,

**AND**, by Order dated April 1, 2009 (Docket Entry No. 33), the court having canceled a hearing on the Motion self-scheduled by the Plaintiff due to the Plaintiff’s failure to comply with L.B.R. 9014-3(c) and 5070-1,

**AND**, on May 4, 2009, the Plaintiff having filed a Second Notice of the Motion (“the Second Notice”),

**AND**, the Second Notice also failing to comply with L.B.R. 9014-3(c),

**AND**, since March 30, 2009, the Defendants having failed to give the Defendants notice of the deadline for filing a response to the Motion, see L.B.R. 9014-3(h), (i); L.B.F. 9014-3,

**AND**, the Plaintiff therefore, having failed to prosecute the Motion in a manner that would present the matter before the court in a timely fashion,

It is hereby **ORDERED** that the Motion **DENIED** for failure to comply with the rules of court.

A handwritten signature in blue ink, appearing to read 'E. Frank', is written over a horizontal line.

**Date:** May 4, 2009

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**ERIC L. FRANK**  
**U.S. BANKRUPTCY JUDGE**